

Application No.: 10/560,033
Attorney Docket No.: 053451
Amendment under 37 CFR §1.111

REMARKS

Claims 1-12 are pending in the present application. Claims 11 and 12 are newly added.

Information Disclosure Statements

The Office Action states that the reference US 5,399,437 in the Information Disclosure Statement dated February 13, 2007 was not considered because this patent has been withdrawn. The Office Action states that in order to be considered, the reference must be listed as a Non-Patent Literature document. US 5,399,437 has been listed in the Information Disclosure Statement (IDS), filed concurrently with this Amendment, as a Non-Patent Literature document and a copy of the document has been submitted. Applicants request consideration of US 5,399,437 and corresponding reference JP 07-309962.

Regarding the IDS filed February 8, 2008, the European Search Report dated December 3, 2007 was not considered. The Office Action states that no copies were provided. However, Applicants note that, according to the USPTO PAIR website, the USPTO appended the European Search Report to the end of the reference JP 10-237234. Nonetheless, Applicants have submitted another copy of the European Search Report with the IDS filed concurrently with this Amendment. Applicants request consideration of the European Search Report.

Regarding the IDS filed with the application on December 8, 2005, the Office Action states that no copies of the documents identified in the International Search Report were provided. Copies of the references cited in the International Search Report have been submitted in the IDS filed concurrently with this Amendment. Applicants request consideration of the references cited in the International Search Report.

Application No.: 10/560,033
Attorney Docket No.: 053451
Amendment under 37 CFR §1.111

Specification Objection

The Office Action states that the trademarks APEL, TAFMER and EVOLUE should be capitalized in the specification and accompanied with generic terminology. Applicants note that each trademark is introduced with generic terminology at page 22 of the specification as follows:

APEL: random copolymer of ethylene and cyclic olefin;
TAFMER: low-crystalline ethylene-1-butene copolymer; and
EVOLUE: metallocene-catalyst-based linear low-density polyethylene.

Applicants also note that APEL is capitalized throughout the specification, and that the specification has been amended to capitalize TAFMER and EVOLUE.

Withdrawal of the objection to the specification is requested.

Drawing Objection

The drawings were objected to because the reference character “7” is not mentioned in the description. The specification at page 18 has been amended to provide a description for reference character “7.” Withdrawal of the objection to the drawings is requested.

Double Patenting Rejection

Claims 1 and 7 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending Application No. 11/596,678.

Since the rejection is provisional, Applicants will address this rejection once all other rejections have been withdrawn.

Application No.: 10/560,033
Attorney Docket No.: 053451
Amendment under 37 CFR §1.111

Claim Rejections - 35 U.S.C. § 103

Claims 1 and 4-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Ishige** (US 2002/0155277) in view of **Arjunan** (WO 98/44043); claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over **Ishige** in view of **Arjunan** and in further view of **Ikeda** (US 6,214,476); and claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over **Ishige** in view of **Arjunan** and in further view of **Tanaka** (US 5,695,838).

Favorable reconsideration is requested.

Applicants first note that Ikeda (US 6,214,476) was not included in the Notice of References Cited. Applicants request that Ikeda be formally made of record by inclusion in the Notice of References Cited.

Applicants respectfully submit that Ishige in view of Arjunan does not teach or suggest:

front-back film layers each composed of a resin composition comprising cyclic olefin-based resin of from 55 to 95 mass % and linear low-density polyethylene of from 45 to 5 mass %

as recited in claim 1 and similarly recited in claim 7, and that this feature would not have been obvious to one of ordinary skill in the art.

In the above noted feature of claims 1 and 7, the linear low-density polyethylene (LLDPE) is specified as being between 45 and 5 mass %. This ratio of LLDPE provides high transparency. If the blend ratio of the LLDPE exceeds 45 mass %, transparency tends to deteriorate. And, if the blend ratio of the linear low-density polyethylene is lower than 5 mass %, preventing whitening of a fingerprint-attached portion tends to be difficult.

The Office Action acknowledges that Ishige does not disclose the use of LLDPE in layer B. (Office Action, page 6.) The Office Action cites Arjunan for disclosing this feature.

However, even if Ishige discloses the use of LLDPE or is modified based on Arjunan such that LLDPE is used as alleged by the Office Action, the references as a whole suggest that the LLDPE is not within the range recited in the claims.

Ishige teaches that the multi-layered stretched resin film preferably has an opacity of 70% or above to obtain a certain paper texture. (Paragraph 59.) The opacity requirement in Ishige suggests that the amount of LLDPE in Ishige does not satisfy the amount recited in claims 1 and 7 for providing transparency.

Furthermore, Arjunan explicitly teaches the use of LLDPE in an amount of 70-90% to improve processibility into a film layer. (Page 3, line 19 to page 4, line 7.) Thus, Arjunan explicitly teaches away from the LLDPE ratio as recited in claims 1 and 7.

Therefore, when viewing the cited references as a whole, the present invention as recited in claims 1 and 7 would not have been obvious to one of ordinary skill in the art.

New Claims

Ishige teaches a multi-layered stretched resin film suitable for many purposes. (Paragraph 1.) However, Ishige does not disclose a multi-layered stretched resin film suitable as a heat shrinkable label.

Ishige in view of Arjunan does not teach or suggest a structure comprising a base film having an edge and another edge, the edge and the another edge are overlapped so as to form a

Application No.: 10/560,033
Attorney Docket No.: 053451
Amendment under 37 CFR §1.111

tube, and the edge and the another edge are attached in the overlap part as recited in new claims 11 and 12.

Ishige in view of Arjunan also does not teach or suggest a base film comprising front-back film layers composed of the recited composition (A) and an intermediate film layer each composed of the recited composition (B), wherein, when immersed in hot water of 90°C for 10 seconds, the multi-layered heat-shrinkable film has a heat shrinkage in a lateral direction of 50 % or higher, and has a tear propagation strength in a longitudinal direction of from 800 to 350mN.

For at least the foregoing reasons, claims 1, 7, 10 and 11 are patentable over the cited references, and claims 2-6 and 8-10 are patentable by virtue of their dependence from either claim 1 or 7. Accordingly, withdrawal of the rejection of claims 1-10 is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No.: 10/560,033
Attorney Docket No.: 053451
Amendment under 37 CFR §1.111

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'A. Melick', is positioned above the printed name and title.

Andrew G. Melick
Attorney for Applicants
Registration No. 56,868
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

AGM/adp